IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4728 OF 2005
IN
C.R.NO.I-182 OF 2004

Mohd. Arif Mohd. Rafiq
Shaikh @ Tadi @ Ahmed ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.Pradip Rajput i/b Ms.Anjali Patil Advocate for Applicant
Mr.S.R.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 31,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.NO.I-182 of 2004 registered at Naupada Police Station Thane. The offence is registered mainly under Sections 395 and 397 of IPC.

3. The learned advocate for the applicant has

submitted that the applicant was not identified by any of the witnesses in the identification parade. Thereafter, it is submitted that there is no recovery at the instance of the applicant. These facts are not denied by the prosecution. The learned A.P.P. has submitted that when the applicant came to be arrested, a mobile phone and watch came to be seized from him. However, it is noticed that neither the complainant nor any of the witnesses have identified the said watch and mobile phone as belonging to any of them. In this view of the matter, I am inclined to grant bail to the applicant.

4. The applicant- Mohd. Arif Mohd. Rafiq Shaikh @ Tadi @ Ahmed to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up that amount. The applicant shall report at Naupada Police Station Thane once in a week till the conclusion of the trial.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]